

## REMARKS

### Remarks About the Objections and Rejections Under 35 USC 112(2):

Applicants gratefully acknowledge the Examiner's statement in an Advisory Action mailed December 17, 2003 that the Examiner's objections to and rejections of the claims under 35 USC 112(2) had been overcome.

### Remarks About the Information Disclosure Statement:

Applicants gratefully acknowledge the Examiner's courtesy in considering the references cited in Sixth Supplemental Information Disclosure Statement, as evidenced by the initialed Form PTO-1449 mailed with the Advisory Action on December 17, 2003.

### Remarks About the Prior Art Rejections:

In an Office Action mailed October 3, 2003, the Examiner rejected all claims under consideration as being anticipated by U.S. Patent No. 4,704,115 to Buell. Because Buell does not disclose or suggest all of the recitations of the pending claims, inherently or otherwise, the Examiner's rejections should be withdrawn.

In the Office Action dated October 2, 2003, the Examiner stated that claim 1 did not "require that the location be the outermost lateral location of attachment, . . . that the entire width of the margin be laterally outboard to such location, [or] that the entire side margin of the margin be free" (Office Action at 8, para. 11). In response, Applicants have amended claim 1 to recite a "a longitudinally extending side margin *extending laterally outboard from [a] location* and terminating in a free edge positioned laterally outboard of said location, wherein an entirety of said side margin positioned between said location and said free edge is unattached to said bodyside surface of said body panel." In this way, Applicants have clarified that the free edge is positioned outboard of the attachment location, and further that the entirety of the side margin between the free edge and the attachment location is not attached to the bodypanel.

In contrast, Buell does not have a side margin that extends *outwardly from the attachment location* between the body member 22 and the front and rear half belts 26, 31, or the end stub belts 23, 24, 28, 29 making up such half belts, wherein the side margin terminates in a free edge positioned *outboard* of the location and is unattached to the body panel between the location and the free edge. Instead, as shown in FIGS. 7 and 8, the backsheet 41 of the body member 22 is

secured to the rear half-belt 31 along the entire lateral width of the body member up to the proximal edge 71 (see FIGS. 7 and 8; Col. 5, lines 62-64 and Col. 7, lines 53-55; Col. 4, lines 14-17 (The “narrow body members . . . are fitted with *inwardly* facing side-edge-leakage-guard gutters having elasticized distal edges.”)). This is the same type of garment that Applicants described in the background of the present application (page 1, lines 18-24) and distinguished with the pending claims.

As shown in FIGS. 2, 7 and 11a, Buell expressly discloses that with respect to the portion of the body member overlying the front and rear half belts, the side margins or guard guides 45 and 46 are actually bonded to the topsheet 40 along adhesive area 76 so as to *prevent* them from extending outboard from the edge 71 (Col. 4, line 60 to Col. 5, line 26). The adhesive area 76 runs to the edge of the body member 22 as shown in FIGS. 2 and 7, and the guards are therefore incapable of being unfolded laterally outwardly (Col. 5, lines 8-18).

As such, the portions of the side margins of Buell, to the extent that they are unattached between the edge 71 and the distal edge 48 as shown in FIG. 11a, terminate in a “free” edge 48 that is positioned *laterally inboard* of the attachment location, not outboard thereof. Accordingly, Applicants submit that claim 1 is patentable over Buell. Applicants have amended claims 14 and 24 to similarly define over Buell and those claims are therefore patentable for the same reasons. Accordingly, all of the pending claims are in condition for allowance and notice to that effect is earnestly solicited.

Finally, Applicants note that the Examiner has made a provisional, obviousness-type double patenting rejection of all claims in view of claims pending in U.S. Application No. 10/053,251. Applicants will address this rejection once the claims of one or both of the pending applications are otherwise allowed.

## **CONCLUSION:**

If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Respectfully submitted,

Dated: February 3, 2004

By:

A handwritten signature in black ink, appearing to read 'AD Stover', written over a horizontal line.

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